

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: :  
RUSSELL OWEN ELGIN, JR, a/k/a :  
Russell O. Elgin, Jr., a/k/a Russell Elgin, Jr. :  
a/k/a Russell Elgin a/k/a Russell Owen :  
Elgin a/k/a Russell O. Elgin :  
Debtor. :

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THE BANK OF NEW YORK MELLON, :  
F/K/A the Bank of New York as trustee :  
for registered Holders of CWABS, Inc., :  
Asset-Backed Certificates, Series 2004-5 :  
Movant, :

vs. :

RUSSELL OWEN ELGIN, JR, a/k/a :  
Russell O. Elgin, Jr., a/k/a Russell Elgin, Jr. :  
a/k/a Russell Elgin a/k/a Russell Owen :  
Elgin a/k/a Russell O. Elgin :  
Respondents. :

CASE NO. 5-19-03493

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**DEBTOR'S ANSWER TO MOTION FOR RELIEF FROM**  
**AUTOMATIC STAY UNDER SECTION 362**

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AND NOW COMES, Russell Owen Elgin, Jr., the Debtor, and files an Answer to The Bank  
of New York's Motion for Relief From the Automatic Stay:

1. Russell Owen Elgin, Jr. (hereinafter the "Debtor") filed a Chapter 13 bankruptcy proceeding with the U.S. Bankruptcy Court for the Middle District of Pennsylvania.
2. Movant alleges that Debtor has failed to make monthly payments.
3. Debtor mailed the June and July 2022 payments directly to Movant on August 19, 2022.
4. The Debtor wishes to enter into a Stipulation to cure the remaining arrears over a six (6) month period.

5. Movant is not entitled to relief from the automatic stay as the arrearage amount due has been paid or shall be paid through the Chapter 13 Plan, and/or a six (6) month Stipulation, and, therefore, the Movant is adequately protected.

WHEREFORE, the Debtor respectfully requests that Movant's Motion for Relief from the Automatic Stay be denied.

Respectfully submitted,

Date: August 24, 2022

/s/Tullio DeLuca  
Tullio DeLuca, Esquire  
PA ID# 59887  
381 N. 9<sup>th</sup> Avenue  
Scranton, PA 18504  
(570) 347-7764

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**CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that on August 24, 2022, he caused a true and correct copy of Debtor's Answer to The Bank of New York Mellon's Motion for Relief from the Automatic Stay to be served Via First Class United States Mail, Postage Pre-paid in the above-referenced case, on the following:

Jack N. Zaharopoulos, Esq. at [info@pamd13trustee.com](mailto:info@pamd13trustee.com)

Brian C. Nicholas, Esq. at [bnicholas@kmlawgroup.com](mailto:bnicholas@kmlawgroup.com)

Dated: August 24, 2022

/s/Tullio DeLuca  
Tullio DeLuca, Esquire